No. 402.

Motion to advance.

Filed Sept. 16, 1898.

Office Supreme Court U. S.
FILED
SEP 16 1898
Clerk.

Supreme Court of the United States

OCTOBER TERM, 1898.

No. 402.

"EXHIBIT A."

S. H. H. CLARK, OLIVER W. MINK, E. ELLERY ANDERSON, J. W. DOANE, AS RECEIVERS OF THE UNION PACIFIC RAILWAY COMPANY, APPELLANTS,

vs.

THE CITY OF KANSAS CITY, KANSAS; THE BOARD OF EDUCATION OF THE CITY OF KANSAS CITY, KANSAS; THE TOWNSHIP OF WYANDOTTE COUNTY, KANSAS; SCHOOL DISTRICT No. 9 OF WYANDOTTE COUNTY, KANSAS; BENJAMIN SCHNIERLE, AS COUNTY TREASURER OF WYANDOTTE COUNTY, KANSAS; LEONARD C. DANIELS, AS SUCCESSOR IN OFFICE OF CHARLES E. BRUCE, AS COUNTY CLERK OF WYANDOTTE COUNTY, KANSAS, RESPONDENTS.

MOTION TO ADVANCE.

Come now The City of Kansas City, Kansas; The Board of Education of the City of Kansas City, Kansas; Benjamin Schnierle, as county treasurer of Wyandotte county,

Kansas, and Leonard C. Daniels, as successor in office of Charles E. Bruce, as county clerk of Wyandotte county, Kansas, respondents in the above-entitled action, and represent and show to the court that said action involves the validity and collection of certain taxes assessed and levied by the city of Kansas City, Kansas, and the board of education of the city of Kansas City, Kansas, for the years 1893 and subsequent thereto against the lands and property of the Union Pacific Railway Company situate in Wyandotte county, Kansas.

That said lands of said railway company in said Wyandotte county, Kansas, prior to March 11th, 1892, were not within the corporate limits of said city, but that on said last-mentioned date said lands were, by ordinance, taken into the corporate limits of said city, pursuant to an act of the legislature of the State of Kansas, the same being chapter 74 of the Session Laws of Kansas for 1891, authorizing and empowering said city so to do, and the said lands thereby became subject to taxation by said city for city purposes; but that said appellants claim that said city has no power or authority over it in the premises, because they say that said statute of the State of Kansas and the ordinance of said city enacted pursuant thereto, before mentioned, are in violation of the fourteenth amendment of the Federal Constitution and of section 1 of article 12 and of section 17 of article 2 of the constitution of the State of Kansas.

Said respondents further represent and show to the court that the appellants were, on or about the 13th day of October, 1893, by the United States circuit courts for the districts of Kansas and Nebraska, respectively appointed receivers of all the property of the Union Pacific Railway Company within said States in the Union Pacific mortgage foreclosure proceedings, in which proceedings the United States is an interested party.

That said foreclosure proceedings are about to be terminated, and that said appellants have been ordered by said

court to make their final reports and to be discharged as such receivers, the reports to be filed and such discharge to take effect about January —, 1899.

These respondents therefore move the honorable court that inasmuch as a public interest, not only to the United States, but to the city of Kansas City, Kansas, is involved in this action that said cause be advanced upon the calendar for hearing and be assigned therefor for as early a date as is practicable in the premises.

SILAS PORTER,
T. A. POLLOCK, and
GEO. B. WATSON,
Attorneys for Respondents.

IN THE SUPREME COURT OF THE UNITED STATES.

S. H. H. CLARK, OLIVER W. MINK, E. ELLERY ANDERSON, J. W. DOANE, *as Receivers of the Union Pacific Railway Company, Appellants,*

vs.

THE CITY OF KANSAS CITY, KANSAS; THE BOARD OF EDUCATION OF THE CITY OF KANSAS CITY, KANSAS; THE TOWNSHIP OF WYANDOTTE COUNTY, KANSAS; SCHOOL DISTRICT NO. 9 OF WYANDOTTE COUNTY, KANSAS; BENJAMIN SCHNIERLE, *as County Treasurer of Wyandotte County, Kansas;* LEONARD C. DANIELS, *as Successor in Office of Charles E. Bruce, as County Clerk of Wyandotte County, Kansas, Respondents.*

NOTICE.

To the appellants in the above-entitled action and to A. L. Williams, N. H. Loomis, and R. W. Blair, their attorneys of record:

You and each of you are hereby notified that The City of Kansas City, Kansas; The Board of Education of the City

of Kansas City, Kansas; Benjamin Schnierle, as county treasurer of Wyandotte county, Kansas, and Leonard C. Daniels, as successor in office of Charles E. Bruce, as county clerk of Wyandotte county, Kansas, respondents in the above-entitled action, have filed their certain motion in the Supreme Court of the United States for the advancement of said cause, a copy of which motion is hereto attached, marked Exhibit "A," and that said motion will come on for hearing before said court, at Washington, D. C., on October 10th, 1898, or as soon thereafter as counsel can be heard in the premises.

SILAS PORTER,
T. A. POLLOCK, and
GEO. B. WATSON,
Attorneys for Respondents.

Service of copies of the foregoing motion and notice is hereby acknowledged this 9th day of September, A. D. 1898.

A. L. WILLIAMS and
N. H. LOOMIS,
Att'ys for S. H. H. Clark et al., Receivers Union Pacific R'y Co.

[Endorsed:] Oct. 11. Case No. 16,987. Supreme Court U. S., October term, 1898. Term No., 402. S. H. H. Clark *et al.*, receivers, &c., P. E., *vs.* The City of Kansas City, Kansas, *et al.* Motion to advance, notice, & proof of service. Office Supreme Court U. S. Filed Sep. 16, 1898. James H. McKenney, clerk.